

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BENJAMIN K. NG,

Petitioner,

v.

SCOTT SPEER, Superintendent,
Stafford Creek Corrections Center,

Respondent.

CASE NO. 2:25-cv-00025-JNW

ORDER

This matter comes before the Court on Petitioner Benjamin K. Ng’s Motion for Relief from Judgment. Dkt. No. 33. This is Ng’s seventh Rule 60 motion requesting relief from judgment on the grounds that the Magistrate Judge applied the wrong legal standard. *See* Dkt. Nos. 18; 20; 23–25, 30. In its last Order denying Ng’s Rule 60 motions, the Court found that these motions were frivolous. Thus, the Court DENIES Ng’s motion for relief from judgment. Dkt. No. 33.

The Court finds that a certificate of appealability should not issue because reasonable jurists would not “find it debatable whether the district court abused its discretion in denying th[is] Rule 60(b) motion,” nor would they “find it debatable whether the underlying [habeas] motion states a valid claim of the denial of a

1 constitutional right.” *Dunsmore v. Harris*, Case No.: 13-cv-1193-GPC-PCL, 2022 WL
2 542541, at *1 (S.D. Cal. Feb. 22, 2022) (quoting *United States v. Winkles*, 795
3 F.3d1134, 1143 (9th Cir. 2015)).

4 In its most recent Order, the Court warned Ng that if he continued to file
5 repetitive and frivolous Rule 60 motions, the Court may impose pre-filing conditions
6 on his future filings. Dkt. No. 31 (quoting *De Long v. Hennessey*, 912 F.2d 1144,
7 1147 (9th Cir. 1990) (“There is strong precedent establishing the inherent power of
8 federal courts to regulate the activities of abusive litigants by imposing carefully
9 tailored restrictions under the appropriate circumstances.” (citation omitted))). The
10 Court now finds that these filing restrictions are appropriate.

11 But before imposing a filing restriction, the litigant must be given a chance to
12 be heard. *De Long*, 912 F.2d at 1148. Accordingly, the Court ORDERS Ng to show
13 cause by **July 16, 2025**, why the Court should not require him to obtain leave of
14 court before filing additional pleadings or motions in this closed matter, save for
15 those related to appeals.

16 IT IS SO ORDERED.

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18 Dated this 11th day of June, 2025.

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21 Jamal N. Whitehead
22 United States District Judge
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